
REMARKS

The Applicant again thanks the Examiner for reconsideration of the rejections made in the Office Action mailed April 25, 2003. The Examiner has rejected Claim 1 under 35 U.S.C. § 102(b) as being anticipated by Guerin (U.S. Patent No. 5,720,114), and Claims 2, 8-12 being obvious over combinations of Guerin and either Ponich (U.S. Patent No. 3,276,128) or Thiel (U.S. Patent No. 3,367,224). The Applicant has amended independent claim 1 to more specifically define the instant invention over the prior art references cited by the Examiner to reject the claimed apparatus.

The Applicant has amended independent claim 1 to define the claimed front and back edges of the tool such that the front edges are located along an interior of the angle created by the joining of the first and second legs, and the back edges are located along an exterior of the angle. Such elements are not disclosed nor taught by the prior art cited by the Examiner.

Guerin discloses a tool for positioning of vinyl corner posts on a building including a generally flat base member having first and second legs joined at a ninety degree angle and a sidewall extending upwardly from an edge of the base member located along an interior of the ninety degree angle. The purpose of the tool disclosed in Guerin is to assist with the alignment of a vinyl corner post that is being positioned on the exterior of a building. This alignment is accomplished by pressing the tool against the corner of the building such that the interior edges of the legs are pressed against the sides of the building and the vinyl post fits within the void (column 1, lines 46-54). As is described in column 3, lines 3-6 of Guerin, the purpose of sidewall 31 of Guerin is "to increase the amount of surface area in contact with the side of the building". As a result

the workpiece that is being "squared" by the tool of Guerin, i.e. the vinyl post and the building to which it is being applied, is positioned to the interior of the interior edge of the base. Such an arrangement is paramount to the purpose of Guerin.

The arrangement of Guerin, in which the sidewall is located along an interior edge, renders that tool incapable of supporting a workpiece on the base member as is claimed in the instant invention, and only permits alignment along two dimensions of the workpiece. In the alternative, the location of the sidewall along an exterior edge of the tool of the instant invention allows a workpiece to be aligned in three dimensions by providing alignment at an angle (the angle of the legs of the tool) with the outer edges of the workpiece pressed against the sidewall and by providing flush alignment of the bottom edges of the workpieces that are supported on the base member. Thus, the location of the sidewall along an exterior edge of the tool of the instant invention is neither disclosed nor taught by the prior art cited by the Examiner.

Conclusion

Reconsideration of the application as amended respectfully is requested. The foregoing amendment and remarks are believed to be responsive to every matter raised in the office action. However, if some matter has been overlooked, an opportunity to correct the oversight would be appreciated.

Respectfully submitted,



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